

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.377a Willful and malicious destruction of property; personalty.

Sec. 377a. (1) A person who willfully and maliciously destroys or injures the personal property of another person is guilty of a crime as follows:

(a) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$20,000.00 or more.

(ii) The person violates subdivision (b)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii) or (d).

(b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (c)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii) or (d).

(c) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (d) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(d) If the amount of the destruction or injury is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(2) The amounts of destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated in determining the total amount of the destruction or injury.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

History: Add. 1941, Act 51, Eff. Jan. 10, 1942;—CL 1948, 750.377a;—Am. 1957, Act 69, Eff. Sept. 27, 1957;—Am. 1998, Act 311, Eff. Jan. 1, 1999.